

APPEAL NO. 041403
FILED AUGUST 3, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 15, 2004. The hearing officer determined that respondent (claimant) is not entitled to supplemental income benefits (SIBs) for the fifth quarter; that appellant (carrier) waived the right to contest claimant's entitlement to fifth quarter SIBs; and that carrier is liable for fifth quarter SIBs. Carrier appealed only the determination that it waived the right to contest entitlement to SIBs. The file does not contain a response from claimant.

DECISION

We affirm.

Carrier contends that claimant failed to prove that it received an Application for [SIBs] (TWCC-52) from claimant by facsimile transmission on January 2, 2004. A similar issue was addressed in Texas Workers' Compensation Commission Appeal No. 970646, May 27, 1997. As we did in that case, we conclude that the hearing officer's factual determination that carrier received the TWCC-52 on January 2, 2004, is supported by the record and is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). We note that conformity to legal rules of evidence is not required. We conclude that the hearing officer did not err in determining that carrier waived the right to contest claimant's entitlement to fifth quarter SIBs. Carrier is liable for fifth quarter SIBs.

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **TEXAS PROPERTY & CASUALTY INSURANCE GUARANTY ASSOCIATION for Reliance National Indemnity Company**, an impaired carrier and the name and address of its registered agent for service of process is

**MARVIN KELLY, EXECUTIVE DIRECTOR
9120 BURNET ROAD
AUSTIN, TEXAS 78758.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge